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EXAMINER	
SCHEIBEL, ROBERT C	
ART UNIT	**PAPER NUMBER**
2666	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/723,591	MACAULAY ET AL.	
	Examiner	Art Unit	
	Robert C. Scheibel	2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23,25-31,33-35,37-40,43 and 44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23,25-31,33-35,37-40,43 and 44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant has amended claim 40 to overcome the rejection under 35 U.S.C. 112, second paragraph. Therefore, this rejection has been withdrawn.

2. Applicant's arguments, see page 10, filed 11/29/2004, with respect to the rejection of claim 1 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of U.S. Patent 6,263,064 to O'Neal et al.

3. Applicant's arguments, see page 10, filed 11/29/2004, with respect to the rejections of claim 3 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is made in view of U.S. 6,798,767 to Alexander et al.

4. Applicant's arguments, see page 11, filed 11/29/2004, with respect to the rejection of claim 16 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art.

5. Applicant's arguments, see page 11, filed 11/29/2004, with respect to the rejection of claim 23 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art and in further view of U.S. Patent 6,263,064 to O'Neal et al.

6. Applicant's arguments, see page 11, filed 11/29/2004, with respect to the rejection of claim 37 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of U.S. Patent 6,798,767 to Alexander et al.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims **1-2, 5-6, 8-13, and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,263,064 to O'Neal et al.

Regarding claim **1**, O'Neal discloses A method of controlling communications in a network, comprising receiving a request to route signaling and traffic associated with a first terminal to a second terminal (the subscriber forwarding voice calls from home or office to his cellular telephone, (specifically, using the home or office telephone to request the forwarding (or "follow me" service) – see lines 12-15 and 38-41 of column 3, lines 43-47 of column 4, and lines 29-35 of column 6 as an example; note that the language throughout O'Neal describes the ability of the subscriber to "review and/or access" communications options (such as call forwarding) – see lines 62-67 of column 14 for example; for the purposes of this rejection, the request of the present application is anticipated by a request to access *and* review the communications options); in response to the request, sending a message to the first terminal that signaling and traffic

associated with the first terminal is to be re-routed (the information returned to the subscriber about the current forwarding status); associating a logical identifier of the first terminal with the second terminal (element 306 or 310 of Figure 4); receiving a call request specifying the logical identifier of the first terminal (step 502 of Figure 5); and sending an alert indication to the second terminal (implicit in steps 510 and 512 of Figure 5 – see also lines 45-51 of column 15).

Regarding claim **2**, O'Neal discloses the limitation that associating the logical identifier of the first terminal with the second terminal comprises associating a directory number of the first terminal with the second terminal in that the logical identifier is a telephone or directory number (see lines 12-15 of column 3 for example).

Regarding claim **5**, O'Neal discloses the limitation of receiving at least another request for routing signaling and traffic to another terminal in the abstract (see the first and second change discussed in the last 14 lines of the abstract).

Regarding claim **6**, O'Neal discloses the limitation that receiving the request comprises receiving a request at a terminal proxy server in that the telephone server 126 is the terminal proxy server.

Regarding claims **8 and 9**, O'Neil discloses the limitation of overriding the first terminal with the second terminal in the case when the communication option that is changed is the call forwarding number as any call to the subscriber will be forwarded to the forwarding number without alerting the original terminal, thus overriding the original terminal (home or office) with the second terminal (the cell phone).

Regarding claim **10**, O'Neil discloses the limitation of the route request comprising a request to replicate the first terminal with the second terminal in the "follow me" option described throughout, starting in lines 4-17 of column 12.

Regarding claim **11**, O'Neil discloses the limitation of sending another alert indication to the first terminal in lines 45-47 of column 12 which describes that the numbers in the list may all be "tried".

Regarding claims **12 and 13**, O'Neil discloses the limitation of receiving an answer indication from one of the first and second terminal in lines 45-47 of column 12 (" until the subscriber is found"). In claim 13, the terminal that sent the call request is the caller referred to earlier in column 12.

Regarding claim **15**, O'Neil discloses the limitations of receiving an off-hook indication from the second terminal and processing a call in response to this off-hook indication as if the second terminal is the second terminal throughout the document; consider lines 59-66 of column 11, for example. This passage clearly discloses that the call is forwarded to the second number if forwarding is enabled and if the forwarding number does not pick up, the call can be rerouted. This clearly implies that if the call is picked up, it will be connected and processed such that the subscriber can carry on normal communications when away from the home or office.

9. Claims **3-4, 37-40 and 43** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,798,767 to Alexander et al.

Regarding claim **3**, Alexander discloses receiving a request to route signaling and traffic associated with a first terminal to a second terminal (lines 55-65 of column 12 – the request is the request to modify the alternate number table); associating a logical identifier of the first terminal

with the second terminal (adding the second terminal to the alternate number table of the first terminal (target device) associates the logical identifier of the first terminal with the second terminal); receiving a call request specifying the logical identifier of the first terminal (element 202 of Figure 5A); and sending an alert indication to the second terminal (element 222 of Figure 5A); wherein associating the logical identifier comprises storing a table associating the logical identifier with identifiers of the first and second terminals (Figure 3).

Regarding claim **37**, Alexander discloses the control unit in the IP telephony devices 24 or 42 of Figure 1. The passage from lines 1-8 of column 4 discloses client modules (telephony software) executable on the control unit. Clearly, the computer can run one or more of these modules. The passage in lines 55-65 of column 12 discloses the limitation of sending a request to a server (call manager 26a or 26b of figure 1) to select a terminal to clone, wherein the soft clients become clones of respective terminals. The updating of the alternate number list anticipates the limitation of requesting a server to clone; as disclosed throughout, devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) and are thus clones of each other – see lines 3-4 of column 8 for example.

Regarding claim **4**, the combination of tables in Figures 3, 4A and 4B disclose the limitation that the IP addresses of the first and second terminals are stored as part of the association.

Regarding claim **38**, the limitation that the soft client module is adapted to receive an alert indication from the server corresponding to a call request received by the server for the terminal the soft client module is cloning (disclosed throughout where the simultaneous ringing

of the target device and alternate devices with a zero ring delay time is described – lines 3-4 of column 8 for example).

Regarding claims **39 and 40**, the LAN and WAN clouds of Figure 1 clearly comprise routers which route packets to and from the soft client modules, thus selecting one of the soft client modules for communicating packets in a call session. The limitation that an additional code in each packet is used to select one of the soft client modules is inherent in the fact that this is commonly done in IP networks using the port number or some other field to indicate the particular application within one device to which a particular packet is destined.

Regarding claim **43**, Alexander discloses the limitation that the table includes storing the first logical identifier with both the identifier of the first terminal and the identifier of the second terminal in the combination of tables 3, 4A and 4B. The logical identifier is the directory number of the target number and the identifier of the first and second terminals is the first two terminals in the table.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims **16-22 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art (AAPA).

Regarding claim **16**, Alexander discloses the limitation of receiving a request to establish a first terminal as a clone of a second terminal (devices with a ring delay time of zero in the alternate device table of Figure 3 are rung simultaneously with the target device (and each other) as described throughout – see lines 3-4 of column 8 for example; lines 1-8 of column 4 clearly establish computer 24 as an IP telephony device; lines 55-65 clearly indicate that at least an IP telephony device which is a computer (like element 24 of figure 1) can access and modify the alternate number list, this modification anticipating the request to clone the terminals). Alexander also discloses creating an association between the two terminals in response to the request in the updated alternate number list. The limitation of receiving at the switch module a call request specifying the second terminal as the target is disclosed in element 202 of Figure 5A for example. The limitation of routing the call request to the first terminal is disclosed in element 222 of Figure 5A, for example.

Alexander does not disclose expressly the limitation that the association created in response to the request is a logical port between the TPS and the switch module. Similarly, Alexander does not disclose the limitation of forwarding the call request through the first logical port.

AAPA discloses the use of logical ports between a TPS and a switch as used in IP telephony in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, this would result in associating the first and second terminals with a logical port and then forwarding the call control messages using this logical port. The motivation for doing so would have been to implement the call manager in a distributed manner as suggested by Alexander in lines 19-21 of column 7. This distributed implementation would clearly make the call manager less expensive to implement by reusing the common functionality of existing devices. Therefore, it would have been obvious to combine AAPA with Alexander for the benefit of a distributed implementation to obtain the invention as specified in claim 16.

Regarding claim **17**, Alexander discloses the limitation of disabling the second terminal in lines 55-65 of column 12; the terminal can be disabled by modifying the alternate number list to remove the terminal from the list.

Regarding claim **18**, Alexander discloses the limitation of setting the first terminal as a replicate of the second terminal in the description above where both terminals are alerted.

Regarding claim **19**, Alexander discloses the limitation of routing the call request to the second terminal in the case where both terminals are alerted (zero ring delay).

Regarding claim **20**, Alexander discloses the limitation of receiving an indication from one of the terminals that the call request has been answered in lines 59-61 of column 11.

Regarding claim **21**, Alexander discloses the limitation of establishing a call session between the terminal that transmitted the request and the first of second terminal in lines 35-36 of column 12.

Regarding claim **22**, Alexander discloses the limitation that the call request is received over a packet-based network in the LANs 20a and 20b of Figure 1.

Regarding claim **44**, the limitation that forwarding the call request over the first logical port is performed instead of forwarding the call request over a second logical port from the switch module to the telephony proxy server, the second logical port previously associated with the first terminal prior to the request to establish the first terminal as a clone of the second terminal is clearly disclosed by the combination of Alexander and AAPA discussed above. As established above, the combination associates the two terminals with the first logical port and thus the call request will be forwarded over this logical port when received.

13. Claims **23, 25-31 and 33-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,798,767 to Alexander et al in view of Applicant's Admitted Prior Art (AAPA) and in further view of U.S. Patent 6,263,064 to O'Neal et al.

Regarding claim **23**, Alexander discloses the limitation of an interface coupled to at least a first and a second terminal in the LAN 20a which is coupled to terminals (IP telephony devices 22-24 of Figure 1). There are clearly many other examples of this interface throughout Alexander as well. Alexander discloses the limitation of the control module in the call manager (26a or 26b of Figure 1). Alexander also discloses the limitation that this control module, in response to a request from a first terminal, defines the first terminal as a clone of a second terminal (devices with a ring delay time of zero in the alternate device table of Figure 3 are rung

simultaneously with the target device (and each other) as described throughout – see lines 3-4 of column 8 for example; lines 1-8 of column 4 clearly establish computer 24 as an IP telephony device; lines 55-65 clearly indicate that at least an IP telephony device which is a computer (like element 24 of figure 1) can access and modify the alternate number list, which is the clone request). Alexander discloses storing an association between the first and second terminals in the alternate number table of Figure 3. Alexander discloses the limitation receiving a call request containing a first logical identifier associated with the first and second terminals in element 202 of Figure 5A. The limitation of alerting both terminals in response to the request is disclosed in elements 208 and 222 of Figure 5A.

Alexander does not disclose expressly the limitation that the association created in response to the request is a logical port between the TPS and the switch module. Similarly, Alexander does not disclose expressly the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded.

AAPA discloses the use of logical ports between a TPS and a switch as used in IP telephony in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. Alexander and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement Alexander using a TPS and a switch instead of a single call manager. Clearly, this would result in associating the first and second terminals with a logical port and then forwarding the call control messages using this logical port. The

motivation for doing so would have been to implement the call manager in a distributed manner as suggested by Alexander in lines 19-21 of column 7. This distributed implementation would clearly make the call manager less expensive to implement by reusing the common functionality of existing devices.

The combination of Alexander and AAPA does not disclose expressly the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded.

O'Neal discloses the limitation of updating the table to indicate that the terminal that answered the call is the one to which forwarded future call requests should be forwarded in lines 54-57 of column 12. Alexander, as modified, and O'Neal are analogous art because they are from the same field of endeavor of telephony using a data network. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Alexander to update the alternate number table to select the last terminal to answer as the first terminal to be alerted in response to the next call request. The motivation for doing so would have been to more intelligently route the call based on information regarding the called parties location. Therefore, it would have been obvious to combine O'Neal with Alexander, modified, for the benefit of more intelligent routing to obtain the invention as specified in claim 23.

Regarding claim **25**, Alexander discloses the limitation that the first logical identifier is a directory number in step 202 of Figure 5A – see lines 33-42 of column 10 as well.

Regarding claim **26**, the combination of Alexander and AAPA discussed above clearly also comprises a switch module (the switch to which the logical ports are used to communicate call signaling messages.)

Regarding claim **27**, the combination of Alexander and AAPA discussed above clearly also discloses receiving at the control module a request from the first terminal and the switch module treating the request as a request from the second terminal since the two terminals are associated with the same logical port number.

Regarding claims **28 and 29**, the combination of Alexander and AAPA discussed above clearly also discloses the limitation of the control module selecting among a plurality of logical ports; the switch module would not be of much use if only one logical port was supported and the control module must clearly select the appropriate logical port on which to send the control messages for a particular session. Since the first two terminals are associated with the same logical port, it is clear that a request for the first terminal will use a logical port that is also used for the second terminal.

Regarding claim **30**, the combination of Alexander and AAPA discussed above clearly also discloses the limitation that the control module comprises a terminal proxy server (see lines 20-22 of page 2 of the present application.)

Regarding claim **31**, Alexander discloses the limitation of the storage unit containing information associating a directory number with the first and second terminals in Figure 3. This table associates the directory number of the target number with the target device and the alternate device(s).

Regarding claim **33**, Alexander discloses the limitation that the first terminal is set as a replicate of the second terminal in the alternate devices with zero ring delay which will cause these devices to be rung simultaneously with the target device.

Regarding claim **34**, Alexander discloses the limitation of the interface comprising an interface to an IP network in the LANs 20a and 20b of Figure 1.

Regarding claim **35**, Alexander discloses the limitation that the first terminal is a wireless terminal in phone 67 of Figure 1.

14. Claim **7** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,263,064 to O'Neal et al in view of Applicant's Admitted Prior Art (AAPA).

O'Neal discloses all the limitations of parent claim **6** as discussed in the rejection under 35 U.S.C. 102(e) above.

O'Neil does not disclose expressly of the terminal proxy server communicating with the switch module via logical ports and associating a logical port with the first and second terminals.

AAPA discloses the use of logical ports between a TPS and a switch as used in IP telephony in lines 18-25 of page 2 of the present application. The AAPA clearly discloses reserving a logical port for the telephony client and then routing call control signaling messages through this logical port. O'Neil and AAPA are analogous art because they are from the same field of endeavor of IP telephony. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement O'Neil using a TPS and a switch instead of a single call manager. Clearly, this would result in associating the first and second terminals with a logical port and then forwarding the call control messages using this logical port. The motivation for doing so would have been implement the system in a distributed manner. This distributed implementation would clearly make the system less expensive to implement by reusing the common functionality of existing devices. Therefore, it would have been obvious to

combine AAPA with Alexander for the benefit of a distributed implementation to obtain the invention as specified in claim 7.

15. Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,263,064 to O'Neal et al in view of U.S. Patent 6,798,767 to Alexander et al.

O'Neal discloses all the limitations of parent claim **10** as discussed in the rejection under 35 U.S.C. 102(e) above.

O'Neil does not disclose expressly of multicasting the alert to the first and second terminals. Alexander discloses this limitation throughout, see lines 17-24 of column 2, for example; since the devices are rung simultaneously, the alerts are essentially multicast to these devices. O'Neil and Alexander are analogous art because they are from the same field of endeavor of telephony using data networks. At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify O'Neil to simultaneously ring multiple devices simultaneously. The motivation for doing so would have been to allow subscribers to be more accessible. Therefore, it would have been obvious to combine Alexander with O'Neil for the benefit of greater subscriber accessibility to obtain the invention as specified in claim 14.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,542,475 to Bala et al discloses a method for providing enhanced call service features at remote locations. U.S. Patent 6,516,061 to Horowitz et al discloses a system for and method of extending a PBX phone port to a remote phone device. U.S. Patent 6,404,874 to Chestnut discloses a telecommute server. U.S. Patent 6,636,587 to Nagai et al discloses an information reception processing method and computer-telephony integration system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Scheibel whose telephone number is 571-272-3169. The examiner can normally be reached on Monday and Thursday from 6:30-5:00 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RCS 5-12-05

Robert C. Scheibel
Examiner
Art Unit 2666

Seema S. Rao 5/16/05

SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600